

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert Frederick et al.
Application No. : 10/766,697
Filed : January 27, 2004
For : PROVIDING A MARKETPLACE FOR WEB SERVICES

Examiner : Amee A. Shah
Art Unit : 3625
Docket No. : 120137.481
Date : November 5, 2007

Mail Stop RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131 OF JAMES A. D. WHITE

Commissioner:

I, James A. D. White, hereby declare that:

1. I am a patent attorney who participated in the preparation of the above-referenced patent application.
2. I have reviewed the Office Actions dated December 6, 2006 and August 3, 2007 in the above-referenced patent application. The Office Actions both rejected claims 16, 21, 24, 28, 85, 86, and 88-93 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2005/0125389 to Hazzard et al. (hereinafter "Hazzard"), which was filed on December 9, 2003 and published on June 9, 2005.
3. Prior to the December 9, 2003 filing date of Hazzard, I received a copy of a functional specification demonstrating conception of the subject matter of the pending claims, of which a redacted copy is attached as Exhibit A to the Declaration Under 37 CFR 1.131 of the inventors, previously filed on May 31, 2007.

4. Prior to the December 9, 2003 filing date of Hazzard, I participated in an invention disclosure meeting with multiple of the inventors, in which those inventors conveyed to me the subject matter of the above-referenced patent application.

5. Beginning prior to the December 9, 2003 filing date of Hazzard, and continuing until the constructive reduction to practice on January 27, 2004 from the filing of the above-referenced patent application, I diligently participated in the preparation of the above-referenced patent application on a regular basis. In particular, before the December 9, 2003 filing date of Hazzard, I began preparation of the above-referenced patent application, and spent at least 16 hours on activities related to preparation of the application, including on November 11, 2003. During the indicated time period from December 8, 2003 to January 27, 2004, I spent over 40 additional hours on the application preparation, and performed activities related to application preparation every week during the indicated time period, beginning with the week of December 14, 2003. The list of hours worked below shows at least some of the days on which application preparation and filing activities occurred during the relevant period. The inventors also spent time during the indicated time period in reviewing and verifying the described subject matter of the application.

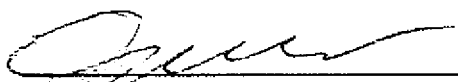
Week Beginning	Day	Hours Worked	Activity
December 14, 2003	12/17/03	more than 7	Work on preparation of the application
December 14, 2003	12/18/03	from 0-1	Work on preparation of the application
December 21, 2003	12/21/03	more than 6	Work on preparation of the application
December 28, 2003	12/31/03	more than 4	Work on preparation of the application
January 4, 2004	1/5/04	more than 9	Work on preparation of the application
January 4, 2004	1/6/04	more than 6	Work on preparation of the application
January 4, 2004	1/9/04	more than 5	Work on preparation of the application
January 11, 2004	1/12/04	from 0-1	Work on preparation of the application
January 18, 2004	1/21/04	from 0-1	Work on preparation of the application
January 18, 2004	1/22/04	from 0-1	Work on preparation of the application
January 25, 2004	1/27/04	from 0-1	Work on filing of the application

January 11, 2004 / January 18, 2004 / January 25, 2004	at least 1/20/04, 1/22/04, 1/23/04, 1/26/04		Work by inventors on reviewing portions of the application
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6. In summary, upon review of our records, I readily conclude that prior to December 9, 2003 (the effective date of the Hazzard published application), the inventors of the above-referenced application had conceived of the presently claimed invention, and that the inventors and I diligently pursued the constructive reduction of practice of the claimed invention from at least December 8, 2003 through January 27, 2004.

7. I hereby declare that all statements made herein of my own knowledge are true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued therefrom.

11/5/07
Date


James A. D. White